

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED *for C. Vile*
AUG 16 2007
JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

JOHN T. NELSON,

Plaintiff,

v.

LORI GREEN, ET AL.

Defendants

CIVIL No. 3:06cv00070

ORDER
*NUNC PRO TUNC*¹

JUDGE NORMAN K. MOON

For the reasons stated in the accompanying Memorandum Opinion:

- (1) The Court lacks jurisdiction under the *Younger* doctrine to hear Plaintiff's request for injunctive relief and that portion of Plaintiff's complaint is hereby DISMISSED;
- (2) Resolution of Plaintiff's claim for money damages is hereby STAYED pending resolution of the state-court matter between Plaintiff and Mother;
- (3) Resolution of Defendants' motions to dismiss the official capacity claims is hereby STAYED pending resolution of the state-court matter between Plaintiff and Mother.

Accordingly:

- (1) ACDSS Defendants' motion for abstention (docket entry no. 18) is hereby GRANTED;
- (2) ACDSS Defendants' motion to stay (docket entry no. 27) is hereby GRANTED;
- (3) ACDSS Defendants' motion to dismiss (docket entry no. 19) is hereby STAYED pending resolution of the state-court matter between Plaintiff and Mother;

¹ This opinion and order corrects two errors on page six of the original opinion and order.

- (4) Vaughn-Eden's motion (docket entry no. 37) is hereby GRANTED with respect to her motions to abstain and to stay and is hereby STAYED with respect to her motion to dismiss;
- (5) Plaintiff's motion to dismiss Vaughn-Eden's motion to dismiss (docket entry no. 32) is hereby DENIED; and
- (6) this Order and the accompanying Memorandum Opinion shall enter nunc pro tunc as of August 8, 2007.

It is so ORDERED.

The Clerk of the Court is hereby directed to send a certified copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

ENTERED:

Nancy E. Mon

United States District Judge

August 14, 2007

Date